

Calendar No. 734

108TH CONGRESS
2D SESSION**H. R. 1446****[Report No. 108–375]**

IN THE SENATE OF THE UNITED STATES

OCTOBER 21, 2003

Received and read the first time

OCTOBER 22, 2003

Read the second time and placed on the calendar

FEBRUARY 4, 2003

Ordered referred to the Committee on Energy and Natural Resources

SEPTEMBER 28, 2004

Reported by Mr. DOMENICI, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italie*]**AN ACT**

To support the efforts of the California Missions Foundation to restore and repair the Spanish colonial and mission-era missions in the State of California and to preserve the artworks and artifacts of these missions, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “California Missions
3 Preservation Act”.

4 **SEC. 2. FINDINGS.**

5 Congress finds the following:

6 (1) The California missions represent some of
7 our Nation’s oldest historical treasures.

8 (2) The first of the California missions was
9 founded in 1769, and eventually a chain of 21 mis-
10 sions and various sub-missions extended along the
11 coast of California on El Camino Real.

12 (3) The California missions contribute greatly
13 to the rich historical, cultural, and architectural her-
14 itage of California and the American West.

15 (4) The knowledge and cultural influence of na-
16 tive California Indians made a lasting contribution
17 to the early settlement of California and the develop-
18 ment of the California missions.

19 (5) More than 5,300,000 people visit the Cali-
20 fornia missions annually, and the historical impor-
21 tance of the California missions extends worldwide
22 as they have become a frequent destination for for-
23 eign visitors to the United States.

24 (6) The history of the California missions is an
25 important educational component in California
26 schools, and the study of the California missions is

part of the Statewide fourth grade curricula on California history.

~~(7) Restoration and repair of the California missions; and the preservation of the Spanish colonial and mission-era artworks and artifacts of the California missions; for the public enjoyment will ensure that future generations also have the benefit of experiencing and appreciating these great symbols of the spirit of exploration and discovery in the American West.~~

SEC. 3. SUPPORT FOR THE RESTORATION AND PRESERVATION OF THE CALIFORNIA MISSIONS.

(a) DEFINITIONS.—In this section:

(1) CALIFORNIA MISSIONS.—The term “California missions” means the following historic Spanish missions located in the State of California and designated as California Registered Historical Landmarks:

(A) Mission La Purisima Concepcion, Lompoc.

(B) Mission La Soledad, Soledad.

(C) Mission San Antonio de Padua, Jolon.

(D) Mission San Buenaventura, Ventura.

(E) Mission San Carlos Borromeo del Rio Carmelo, Carmel.

1 (F) Mission San Diego Alcalá, San Diego.

2 (G) Mission San Fernando Rey de España,
3 Mission Hills.

4 (H) Mission San Francisco de Asís, San
5 Francisco.

6 (I) Mission San Francisco Solano,
7 Sonoma.

8 (J) Mission San Gabriel Arcángel, San Ga-
9 briel.

10 (K) Mission San José, Fremont.

11 (L) Mission San Juan Bautista, San Juan
12 Bautista.

13 (M) Mission San Juan Capistrano, San
14 Juan Capistrano.

15 (N) Mission San Luis Obispo de Tolosa
16 and its Asistencia (sub-mission) of Santa Mar-
17 garita de Cortona, San Luis Obispo.

18 (O) Mission San Luis Rey de Francia and
19 its Asistencia (sub-mission), Oceanside.

20 (P) Mission San Miguel Arcángel, San
21 Miguel.

22 (Q) Mission San Rafael Arcángel, San
23 Rafael.

24 (R) Mission Santa Bárbara Virgen y
25 Mártir, Santa Bárbara.

1 ~~(S)~~ Mission Santa Clara de Asis, Santa
 2 Clara.

3 ~~(T)~~ Mission Santa Cruz, Santa Cruz.

4 ~~(U)~~ Mission Santa Ines Virgen y Martin,
 5 Solvang.

6 ~~(V)~~ Asistencia San Antonio de Pala, Pala.

7 ~~(2)~~ CALIFORNIA MISSIONS FOUNDATION.—The
 8 term “California Missions Foundation” means the
 9 charitable corporation established in the State of
 10 California in 1998 to fund the restoration and repair
 11 of the California missions and the preservation of
 12 the Spanish colonial and mission-era artworks and
 13 artifacts of the California missions. The Foundation
 14 is exempt from State franchise and income tax and
 15 is organized and operated exclusively for charitable
 16 purposes under section 501(c)(3) of the Internal
 17 Revenue Code of 1986.

18 ~~(3)~~ SECRETARY.—The term “Secretary” means
 19 the Secretary of the Interior.

20 ~~(b)~~ GRANTS AUTHORIZED.—The Secretary of the In-
 21 terior may make grants to the California Missions Foun-
 22 dation to support the efforts of the California Missions
 23 Foundation to restore and repair the California missions
 24 and to preserve the artworks and artifacts associated with
 25 the California missions. As provided in section 101(e)(4)

1 of the National Historic Preservation Act (16 U.S.C.
 2 470a(e)(4)), the Secretary shall ensure that the purpose
 3 of a grant under this section is secular, does not promote
 4 religion, and seeks to protect those qualities that are his-
 5 torically significant.

6 (c) APPLICATION.—In order to receive a grant under
 7 this section for the preservation of the California missions,
 8 the California Missions Foundation shall submit to the
 9 Secretary an application that includes—

10 (1) a status report on the condition of the in-
 11 frastructure and artifacts for each of the California
 12 missions; and

13 (2) a comprehensive program for restoration,
 14 repair, and preservation of such infrastructure and
 15 artifacts, including prioritized preservation efforts to
 16 be conducted over a 5-year period and the estimated
 17 costs of such preservation efforts.

18 (d) MATCHING FUND REQUIREMENT.—The Sec-
 19 retary shall require the California Missions Foundation to
 20 match grant funds provided under this section.

21 (e) REPORT.—As a condition of a grant under this
 22 section, the California Missions Foundation shall submit
 23 to the Secretary an annual report on the status of the
 24 preservation efforts undertaken using grant funds pro-

1 vided under this section. The Secretary shall submit a
 2 copy of each report to Congress.

3 (f) ~~AUTHORIZATION OF APPROPRIATIONS.~~—There is
 4 authorized to be appropriated to the Secretary a total of
 5 \$10,000,000 during the five-fiscal year period beginning
 6 October 1, 2003, to make grants under this section. Funds
 7 appropriated pursuant to the authorization of appropria-
 8 tions in this section shall be in addition to any funds made
 9 available for preservation efforts in the State of California
 10 under the National Historic Preservation Act.

11 **SECTION 1. SHORT TITLE.**

12 *This Act may be cited as the “California Missions*
 13 *Preservation Act”.*

14 **SEC. 2. DEFINITIONS.**

15 *In this Act:*

16 (1) *CALIFORNIA MISSION.*—The term “California
 17 mission” means each of the 21 historic Spanish mis-
 18 sions and 1 asistencia that—

19 (A) *are located in the State;*

20 (B) *were built between 1769 and 1798; and*

21 (C) *are designated as California Registered*
 22 *Historic Landmarks.*

23 (2) *FOUNDATION.*—The term “Foundation”
 24 means the California Missions Foundation, a non-
 25 sectarian charitable corporation that—

1 (A) was established in the State in 1998 to
 2 fund the restoration and repair of the California
 3 missions; and

4 (B) is operated exclusively for charitable
 5 purposes under section 501(c)(3) of the Internal
 6 Revenue Code of 1986.

7 (3) SECRETARY.—The term “Secretary” means
 8 the Secretary of the Interior.

9 (4) STATE.—The term “State” means the State
 10 of California.

11 **SEC. 3. COOPERATIVE AGREEMENTS.**

12 (a) IN GENERAL.—The Secretary may enter into a co-
 13 operative agreement with the Foundation to provide tech-
 14 nical and financial assistance to the Foundation to restore
 15 and repair—

16 (1) the California missions; and

17 (2) the artwork and artifacts associated with the
 18 California missions.

19 (b) FINANCIAL ASSISTANCE.—

20 (1) IN GENERAL.—The cooperative agreement
 21 may authorize the Secretary to make grants to the
 22 Foundation to carry out the purposes described in
 23 subsection (a).

24 (2) ELIGIBILITY.—To be eligible to receive a
 25 grant or other form of financial assistance under this

1 *Act, a California mission must be listed on the Na-*
2 *tional Register of Historic Places.*

3 (3) *APPLICATION.—To receive a grant or other*
4 *form of financial assistance under this Act, the Foun-*
5 *dation shall submit to the Secretary an application*
6 *that—*

7 (A) *includes a status report on the condi-*
8 *tion of the infrastructure and associated artifacts*
9 *of each of the California missions for which the*
10 *Foundation is seeking financial assistance; and*

11 (B) *describes a comprehensive program for*
12 *the restoration, repair, and preservation of the*
13 *infrastructure and artifacts referred to in sub-*
14 *paragraph (A), including—*

15 (i) *a description of the prioritized*
16 *preservation activities to be conducted over*
17 *a 5-year period; and*

18 (ii) *an estimate of the costs of the pres-*
19 *ervation activities.*

20 (4) *APPLICABLE LAW.—Consistent with section*
21 *101(e)(4) of the National Historic Preservation Act*
22 *(16 U.S.C. 470a(e)(4)), the Secretary shall ensure*
23 *that the purpose of any grant or other financial as-*
24 *istance provided by the Secretary to the Foundation*
25 *under this Act—*

1 (A) is secular;
 2 (B) does not promote religion; and
 3 (C) seeks to protect qualities that are his-
 4 torically significant.

5 (c) *REVIEW AND DETERMINATION.*—

6 (1) *IN GENERAL.*—The Secretary shall submit a
 7 proposed agreement to the Attorney General for re-
 8 view.

9 (2) *DETERMINATION.*—A cooperative agreement
 10 entered into under subsection (a) shall not take effect
 11 until the Attorney General issues a finding that the
 12 proposed agreement submitted under paragraph (1)
 13 does not violate the establishment clause of the first
 14 amendment of the Constitution.

15 (d) *REPORT.*—As a condition of receiving financial as-
 16 sistance under this Act, the Foundation shall annually sub-
 17 mit to the Secretary and to the Committee on Energy and
 18 Natural Resources of the Senate and the Committee on Re-
 19 sources of the House of Representatives a report that de-
 20 scribes the status of the preservation activities carried out
 21 using amounts made available under this Act.

22 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

23 (a) *IN GENERAL.*—There is authorized to be appro-
 24 priated to carry out this Act \$10,000,000 for the period of
 25 fiscal years 2004 through 2009.

1 (b) *MATCHING REQUIREMENT.*—Any amounts made
2 available to carry out this Act shall be matched on not less
3 than a 1-to-1 basis by the Foundation.

4 (c) *OTHER AMOUNTS.*—Any amounts made available
5 to carry out this Act shall be in addition to any amounts
6 made available for preservation activities in the State
7 under the National Historic Preservation Act (16 U.S.C.
8 470 et seq.).

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